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10/605,202	09/15/2003	John F. Baxter Jr.	1135.36	2201
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SMITH & HOPEN PA 15950 BAY VISTA DRIVE SUITE 220 CLEARWATER, FL 33760			LU, ZHIYU	
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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/605,202	Applicant(s) BAXTER, JOHN F.	
	Examiner Zhiyu Lu	Art Unit 2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 and 23-36 is/are rejected.
- 7) ☒ Claim(s) 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/29/03</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Specification*

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

1. The abstract of the disclosure is objected to because it should avoid using phrase that can be implied, such as, "invention" on line 1. Correction is required. See MPEP § 608.01(b).
2. Claims 24 and 32 are objected to because of the following informalities:
  - a) On line 9 of claim 24, replace --broadcasted-- with "broadcast" to correct the verb tense.
  - b) On line 23 of claim 32, replace --broadcasted-- with "broadcast" to correct the verb tense.

### *Drawings*

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "40" has been used to designate both Channel ID (Fig.1) and Queue (Fig.5).

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Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Double Patenting***

A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

4. Claim 22 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 21.

When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Regarding claim 25, the word "means" is preceded by the word(s) "delivery" in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967). For examination purposes, the examiner will interpret the meaning to be computer software processing contents to deliver.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent

6. Claims 1-2, 5-9, 12-13, 15-19, 24-29, and 33-36 are rejected under 35 U.S.C. 102(a) as being anticipated by Noreen et al. (U.S. Patent# 20020183059).

Regarding claim 1, Noreen et al. anticipate all the limitations of

- a) assigning a user identification value to a subscriber and storing contact information on the subscriber in link with the user identification value (paragraph 4 lines 29-36). Within these lines, Noreen et al. teach that geographical location of the mobile unit (contact information) is transmitted along with the purchase command and identity of the subscriber associated with the mobile unit (identification value of subscriber is assigned) to the network operations center;
- b) assigning radio station channels identification values (Fig. 4 and paragraph 52 lines 7-18);
- c) generating a play database storing the time at which each audio recording was played on each radio station and assigning an audio content value to an audio recording played over the radio transmission (paragraph 69 lines 8-14 and Fig. 5); and
- d) cross-referencing the play database for selected audio content once received user identification value and content selection (channel identification value) and then transmit requested data to subscriber according stored contact information (paragraph 14 lines 6-37).

Regarding claim 2, Noreen et al. teach the limitation of claim 1. Noreen et al. further teach the limitation of having data associated with the audio content value in digital format (paragraph 59 lines 8-12), where digital content distribution is indicated.

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Regarding claims 5-6, Noreen et al. teach the limitation of claim 2. Noreen et al. further teach the limitation of billing information included in contact information and executing billing transaction upon purchase of the subscriber (paragraph 52 lines 51-54).

Regarding claim 7, Noreen et al. teach the limitation of claim 1. Noreen et al. further teach the limitation of associating purchase link with the audio content value (paragraph 50 lines 5-10).

Regarding claim 8, Noreen et al. teach the limitation of claim 1. Noreen et al. further teach the limitation of customizing optical disc with selected audio contents (paragraph 50 lines 10-14).

Regarding claim 9, Noreen et al. teach the limitation of claim 1. Noreen et al. further teach the limitation of associating performance information with the audio content value (paragraph 50 lines 1-10).

Regarding claims 12-13, Noreen et al. teach the limitation of claim 1. Noreen et al. further teach the limitation of radio transmission originating from terrestrial-based antennas or earth-orbiting satellite (paragraph 65 lines 14-21).

Regarding claim 15, Noreen et al. anticipate all the limitations of

- a) a transmitter communicatively coupled to a radio receiver device (paragraph 18 lines 4-7);

- b) a computer readable store holding a user identification value, the store communicatively coupled to the transmitter (paragraph 14 lines 8-13 and paragraph 84 lines 26-34). Accordingly within these lines, Noreen et al. teach that subscriber identification (user identification) is sent out from the mobile unit and the mobile unit equips with computer readable memory to store information. In other words, the mobile unit stores user identification in computer readable memory that couples with transmitter;
- c) a radio channel coupler communicatively coupled to the transmitter, the coupler adapted to identify a radio station currently played by the radio broadcast device (paragraph 19 lines 8-13); and
- d) an audio selection means communicatively coupled to the transmitter whereby upon execution of the audio selection means the transmitter generates a signal comprising the user identification value and the identity of the radio station currently playing on the radio broadcast device (abstract lines 10-18).

Regarding claim 16, Noreen et al. teach the limitation of claim 15. Noreen et al. further teach the limitation of transmitter generating signal in TCP/IP data packet (paragraph 45 lines 3-8). The Internet is using TCP/IP data packet for transmission.

Regarding claims 17-18, Noreen et al. teach the limitation of claim 15. Noreen et al. further teach the limitation of transmitter generating wireless signal in IEEE 802.15 protocol (paragraph 82 lines 4-8). Bluetooth is used for wireless transmission in IEEE 802.15 protocol.

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Regarding claim 19, Noreen et al. teach the limitation of claim 15. Noreen et al. further teach the limitation of transmitter generating wireless signal in IEEE 802.11 protocol (paragraph 45 lines 3-8). Wireless Internet data transmission is using IEEE 802.11 protocol.

Regarding claim 24, Noreen et al. teach the limitation of claim 15. Noreen et al. further teach the limitations of

- a) a receiver communicatively coupled to the transmitter, the receiver adapted to receive the signal (paragraph 53 lines 1-3);
- b) a play database communicatively coupled to the receiver, the play database further comprising at least one table associating an audio recording to the radio station and time at which it was broadcast ((paragraph 69 lines 8-14 and Fig. 5); and
- c) a timer communicatively coupled to the receiver whereby upon reception of the signal by the receiver, the play database is cross-reference for the audio content played according to a time value, the time value generated by the timer contemporaneous with the reception of the signal (paragraph 53 lines 15-20).

Noreen et al. teach that (a)-(c) are within the network operations center (Fig. 11-16), which means they are all coupled with the receiver.

Regarding claim 25 with the above 112 rejection, and also claims 26-27, Noreen et al. further teach the limitation of computer software process being the audio content delivery mean to transmit requested audio content to subscriber in a digital audio file (claim 22). Within these

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lines, Noreen et al. teach that the digital music file is transmitted to subscriber via the Internet, which means the audio content delivery mean is computerized software process.

Regarding claim 28, Noreen et al. teach the limitation of claim 26. Noreen et al. further teach the limitation of computer software process transmitting a link to the subscriber to purchase the audio content (paragraph 50 lines 5-10).

Regarding claim 29, Noreen et al. teach the limitation of claim 26. Noreen et al. further teach the limitation of computer software process initiating the delivery to the subscriber of an optical disc comprising the audio content (paragraph 50 lines 10-14).

Regarding claim 33, Noreen et al. anticipate all the limitations of

- a) a transmitter (paragraph 18 lines 4-7);
- b) a computer readable store holding a user identification value, the store communicatively coupled to the transmitter (paragraph 14 lines 8-13 and paragraph 84 lines 26-34). Accordingly within these lines, Noreen et al. teach that subscriber identification (user identification) is sent out from the mobile unit and the mobile unit equips with computer readable memory to store information. In other words, the mobile unit stores user identification in computer readable memory that couples with transmitter;
- c) a radio channel selection means communicatively coupled to the transmitter, the selection means adapted to select a radio station; and an audio selection means communicatively coupled to the transmitter whereby upon execution of the audio

selection means the transmitter generates a signal comprising the user identification value and the identity of the radio station currently playing on the radio broadcast device (abstract lines 10-18).

Noreen et al. teach that satellite radio broadcasting is in application (paragraph 11 lines 10-11), which means the apparatus for distributing digital audio content over satellite radio is anticipated.

Regarding claim 34, Noreen et al. teach the limitation of claim 33. Noreen et al. further teach the limitation of coupling a timer to have the transmitter include a time-stamp value representative of the time when the audio selection means was activated (paragraph 66 lines 13-18).

Regarding claim 35, Noreen et al. teach the limitation of claim 33. Noreen et al. further teach the limitation of populating the computer readable store with radio station information (paragraph 75 lines 1-3 and paragraph 84 lines 26-34).

Regarding claim 36, Noreen et al. anticipate all the limitations of

- a) a transmitter (paragraph 18 lines 4-7);
- b) a computer readable store holding a user identification value, the store communicatively coupled to the transmitter (paragraph 14 lines 8-13 and paragraph 84 lines 26-34). Accordingly within these lines, Noreen et al. teach that subscriber identification (user identification) is sent out from the mobile unit and the mobile unit

equips with computer readable memory to store information. In other words, the mobile unit stores user identification in computer readable memory that couples with transmitter;

c) a radio channel selection means communicatively coupled to the transmitter, the selection means adapted to select a radio station; and an audio selection means communicatively coupled to the transmitter whereby upon execution of the audio selection means the transmitter generates a signal comprising the user identification value and the identity of the radio station currently playing on the radio broadcast device (abstract lines 10-18);

d) a timer communicatively coupled to the audio selection means whereby the signal generated by the transmitter includes a time-stamp value representative of the time when the audio selection means was activated (paragraph 66 lines 13-18); and

e) a wireless reception means adapted to populate the computer readable store with radio station information (paragraph 75 lines 1-3 and paragraph 84 lines 26-34).

Noreen et al. teach that satellite radio broadcasting is in application (paragraph 11 lines 10-11), which means the apparatus for distributing digital audio content over satellite radio is anticipated.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noreen et al. (U.S. Patent# 20020183059) in view of Levy et al. (U.S. Patent# 6505160).

Regarding claim 3, the primary reference, Noreen et al. teach the limitation of claim 2.

But, Noreen et al. fail to teach the limitation of encoding user identification in the digital audio file prior to transmitting the digital audio file to subscriber.

The secondary reference, Levy et al. teach the limitation of encoding user identification in the digital audio file prior to transmitting the digital audio file to subscriber (column 8 lines 46-60).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of encoding user identification in the digital audio file prior to transmitting the digital audio file to subscriber taught by Levy et al. into the method taught by Noreen et al., for the purpose of keeping track of legal distribution.

Regarding claim 30, the primary reference, Noreen et al. teach the limitation of claim 27.

But, Noreen et al. fail to teach the limitation of encoding user identification in the digital audio file prior to transmitting the digital audio file to subscriber.

The secondary reference, Levy et al. teach the limitation of encoding user identification in the digital audio file prior to transmitting the digital audio file to subscriber (column 8 lines 46-60).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of encoding user identification in the digital audio file prior to transmitting the digital audio file to subscriber taught by Levy et al. into the method taught by Noreen et al., for the purpose of keeping track of legal distribution.

8. Claims 4, 10-11, 14, and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noreen et al. (U.S. Patent# 20020183059) in view of Walsh et al. (U.S. Patent# 20030050058).

Regarding claims 4 and 10-11, the primary reference, Noreen et al. teach the limitations of claims 1-2.

But, Noreen et al. fail to teach the limitation of processing the digital audio file with DRM prior to distribution, generating play database prior to broadcast of the associated audio recordings that is performed in real time, or generating play database subsequent to broadcast of the associated audio recordings where the received signals are stored in a queue.

The secondary reference, accordingly, Walsh et al. teach the limitations of

- a) processing the digital audio file with DRM prior to distribution (paragraph 102 lines 3-13);
- b) generating play database prior to broadcast of the associated audio recordings that is performed in real time (Fig. 18 and paragraph 16); and
- c) generating play database subsequent to broadcast of the associated audio recordings where the received signals are stored in a queue (paragraph 62 lines 11-13).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate copyright protection or play-database generating methods taught by Walsh et al. into the operation of audio distribution method taught by Noreen, for the purpose of providing copyright protection on distributed digital content or creating convenient customizable play-database.

Regarding claim 14, Noreen et al. teach the limitations of

- a) assigning a user identification value to a subscriber (paragraph 4 lines 29-36);
- b) storing contact information and billing information on the subscriber in link with the user identification value accordingly (paragraph 4 lines 29-36 and paragraph 52 lines 51-54);
- c) assigning radio station channels identification values (Fig. 4 and paragraph 52 lines 7-18);
- d) generating a play database storing the time at which each audio recording was played on each radio station and assigning an audio content value to an audio recording played over the radio transmission (paragraph 69 lines 8-14);
- e) receiving a wireless signal through a cellular communications network (paragraph 11 lines 3-6) having a user identification number and a channel identification value (paragraph 14 lines 8-13);
- f) cross-referencing the play database for selected audio content and then transmit requested data to subscriber according stored contact information (paragraph 14 lines 6-37); and

Noreen et al. teach that utilizing mentioned embodiments in satellite digital audio radio broadcast (paragraph 65 lines 14-21). In other words, Noreen et al. anticipate the above limitations (a)-(f) in satellite radio broadcast, where provides digital audio content.

But, Noreen et al. fail to teach the limitation of processing DRM on digital audio file prior to distribution.

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The secondary reference, Walsh et al. teach the limitation of processing DRM on digital audio file prior to distribution (paragraph 102 lines 3-13).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate copyright protection taught by Walsh et al. into the operation of digital audio distribution over satellite radio method taught by Noreen, for the purpose of providing copyright protection on distributed audio content.

Regarding claim 31, the primary reference, Noreen et al. teach the limitations of claim 27.

But, Noreen et al. fail to teach the limitation of processing the digital audio file with DRM prior to distribution.

The secondary reference, accordingly, Walsh et al. teach the limitations of processing the digital audio file with DRM prior to distribution (paragraph 102 lines 3-13).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate copyright protection method taught by Walsh et al. into the delivery process taught by Noreen, for the purpose of providing copyright protection on distributed digital content.

Regarding claim 32, the primary reference, Noreen et al. teach the limitations of

- a) a cellular transmitter communicatively coupled to a satellite radio receiver device (paragraph 18 lines 4-7 and Fig. 1-2);
- b) a computer readable user identification value communicatively coupled to the cellular transmitter (paragraph 14 lines 8-13 and paragraph 84 lines 26-34). Accordingly within

these lines, Noreen et al. teach that subscriber identification (user identification) is sent out from the mobile unit and the mobile unit equips with computer readable memory to store information. In other words, the user identification value stored in the mobile unit is computer readable;

c) a satellite radio channel coupler communicatively coupled to the cellular transmitter, the coupler adapted to identify a satellite radio station currently played by the radio device (paragraph 19 lines 8-13);

d) an audio selection means communicatively coupled to the cellular transmitter whereby upon execution of the audio selection means the cellular transmitter sends a cellular digital packet comprising the user identification value and the identity of the radio station currently playing on the radio broadcast device (abstract lines 10-18);

e) a receiver adapted to receive the cellular digital packet (paragraph 53 lines 1-3);

f) a play database communicatively coupled to the receiver, the play database further comprising at least one table associating an audio recording to the satellite radio station and time at which it was broadcast ((paragraph 69 lines 8-14 and Fig. 5);

g) a timer communicatively coupled to the receiver whereby upon reception of the cellular digital packet by the receiver, the play database is cross-reference for the audio content played according to a time value, the time value generated by the timer contemporaneous with the reception of the signal (paragraph 53 lines 15-20); and

h) a computer software process transmits digital audio file associated with the audio content value is transmitted to a playback device (paragraph 46 lines 12-17) accessible to

the subscriber according to the stored subscriber contact information (paragraph 14 lines 6-37).

Noreen et al. teach that satellite and/or cellular are in application (paragraph 11 lines 2-6), which means terms like cellular transmitter, satellite radio receiver and cellular digital packet throughout (a)-(h) are anticipated. Also Noreen et al. teach that (e)-(g) are within the network operations center (Fig. 11-16), so they are all coupled with the receiver.

But, Noreen et al. fail to teach the limitation of processing the digital audio file with DRM prior to distribution.

The secondary reference, accordingly, Walsh et al. teach the limitations of processing the digital audio file with DRM prior to distribution (paragraph 102 lines 3-13).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate copyright protection method taught by Walsh et al. into the apparatus taught by Noreen, for the purpose of providing copyright protection on distributed digital content.

9. Claims 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noreen et al. (U.S. Patent# 20020183059) in view of Richter (U.S. Patent# 20020155815).

Regarding claims 20-22, the primary reference, Noreen et al. teach the limitation of claim 17.

But, Noreen et al. fail to teach the limitation of using analog or digital cellular transmission.

The secondary reference, Richter teaches the limitation of using analog or digital cellular transmission (paragraph 2 lines 1-6).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate analog or digital cellular transmission taught by Richter into the apparatus taught by Noreen et al., in order to make transmission widely used.

10. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Noreen et al. (U.S. Patent# 20020183059) in view of Martin (U.S. Patent# 4528696).

Regarding claim 23, the primary reference, Noreen et al. teach the limitation of claim 15.

But, Noreen et al. fail to teach the limitation of using dual tone multi-frequency signal (column 1 lines 14-19).

The secondary reference, Martin teaches the limitation of using dual tone multi-frequency signal. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate dual tone multi-frequency signal taught by Martin in the device taught by Noreen, for the purpose of having the signal secured and easy-passing-through.

### ***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zhiyu Lu whose telephone number is (571) 272-2837. The examiner can normally be reached on Weekdays: 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ZL

  
NICK CORSARO  
PRIMARY EXAMINER